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FILED
DISTRICT COURT OF GUAM

OCT 29 2007 *pkbc*

JEANNE G. QUINATA
Clark of Court

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF GUAM

JULIE BABAUTA SANTOS, et. al.,
Petitioners

**CIVIL CASE NO. 04-00006
(Consolidated with Civil Case Nos.
04-00038 and 04-00049)**

FELIX P. CAMACHO, etc. et al.

Respondents.

**PARTIAL NON-OPPOSITION AND
PARTIAL OPPOSITION BY THE
GOVERNOR, GOVERNMENT, AND
DIRECTORS OF DOA AND DRT TO
OBJECTORS' REQUEST TO AMEND
THEIR PROPOSED FINDINGS OF
FACT AND CONCLUSION OF LAW**

1 The Governor of Guam Felix P. Camacho, the Government of Guam, and the Directors of
2 the Department of Administration and Revenue & Taxation (collectively, the "Government")
3 hereby file this limited opposition and limited non-opposition to Objectors' motion to amend their
4 proposed findings of fact and conclusions of law.

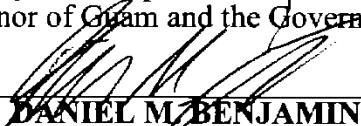
5 The basis for Objectors' request is that Mr. Camacho's declaration as to when claims were
6 filed occurred on the day of the filing of proposed findings of fact and conclusions of law. As Mr.
7 Camacho stated in his declaration, DRT was resolving an inconsistency in the data, which had
8 caused a delay in the declaration's filing. *If the Court finds it of assistance*, the Government has
9 no opposition to Objectors submitting a proposed finding and/or conclusion of law *regarding this*
10 *single point*. However, the Government does oppose any effort by Objectors to revise or amend
11 their *entire* proposed findings of fact and conclusions of law, as this might be used as yet another
12 chance at re-briefing issues (which the Government believes has been a pattern with Objectors).

13 Additionally, the Government does oppose Objector's misleading claim in their present
14 motion that the response rate to the class action notice was only 5%. As Objectors know, the rate
15 here was at least 48.8% (a very high rate under the case law that has been cited). Objectors
16 should not be allowed to mislead the Court by suggesting the rate was only 5% simply because
17 most claims in this case were already on file pursuant to the Executive Order before the class
18 action notice was ever published. A high claims filing rate of nearly 50% is still a high claims
19 filing rate, whether it is the result of the notice or Executive Order, and the notice procedure
20 cannot be viewed negatively simply because the prior success of the Executive Order limited the
21 amount of additional claims that would realistically be filed once notice was published.

22 Dated this 29th day of October, 2007.

23 **OFFICE OF THE GOVERNOR OF GUAM**
24 **CALVO & CLARK, LLP**
25 Attorneys for Respondents Felix P. Camacho,
26 Governor of Guam and the Government of Guam

27 By: _____

28  **DANIEL M. BENJAMIN**

23 **CABOT MANTANONA LLP**
24 Attorneys for Respondents Lourdes M.
25 Perez and Artemio B. Ilagan

26 By: _____

27  **RAWLEN M.T. MANTANONA**